

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EDWARD BROWN and
NANCY BROWN,

Plaintiffs,

Case No. 2:09-cv-10864

v.

Hon. Gerald E. Rosen
Mag. Judge Virginia M. Morgan

LITTON LOAN SERVICING LP and
EMC MORTGAGE CORPORATION,

Defendants.

LANDIS & DAY, PLC
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**LANDIS & DAY, PLC'S MOTION TO WITHDRAW AS COUNSEL
FOR PLAINTIFFS EDWARD BROWN AND NANCY BROWN**

Landis & Day, PLC hereby motions this Court, pursuant to E.D. Mich. L.R. 83.30 and MRPC 1.16, for permission to withdraw as counsel of record for Plaintiffs Edward Brown and Nancy Brown, and in support of its motion, states as follows:

1. On February 20, 2009, Landis & Day, PLC initiated this matter in the Oakland County Circuit Court on behalf of Plaintiffs by filing a Complaint and an Ex Parte Motion for a Temporary Restraining Order and a Preliminary Injunction.
2. On March 6, 2009, the action was removed to this Honorable Court by Defendant EMC Mortgage Corporation's ("EMC") counsel.
3. Plaintiffs' counsel have made diligent and good-faith attempts to reach an agreeable solution to this matter with counsel for Defendant EMC and Defendant Litton Loan Servicing LP.
4. However, for over two months, Plaintiffs' counsel and other staff members from Landis & Day, PLC have attempted to contact each of the Plaintiffs on several occasions, verbally and in writing.
5. All attempts to contact Plaintiffs have failed, and Plaintiffs have been unreceptive to said attempts.

6. MCR 1.16(b) provides, in relevant part, that:

[A] lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

(4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given the reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(5) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(6) other good cause for withdrawal exists.

7. In this matter, the Plaintiffs have unquestionably failed to substantially honor their obligation to Plaintiffs' counsel and attempts to warn Plaintiffs of said deficiency have been made on several occasions, verbally and in writing.

8. After said warnings, Plaintiffs continued in their failure to honor their obligations to Landis & Day, PLC, including the payment of amounts due and owing from Plaintiffs to Landis & Day, PLC.

9. A breakdown of the attorney-client relationship has occurred to the extent that Plaintiffs' counsel can no longer represent Plaintiffs in this matter in an ethical or good faith fashion, and good cause exists to terminate the attorney-client relationship.

10. As such, Plaintiffs' counsel seeks an order from this Honorable Court allowing Plaintiffs' Counsel to withdraw as counsel for Plaintiffs in this matter.

WHEREFORE, Landis & Day, PLC respectfully requests that this Honorable Court grant this Motion, permitting its withdrawal as counsel for Plaintiffs Edward Brown and Nancy Brown.

Respectfully Submitted,

LANDIS & DAY, PLC

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Dated: May 14, 2009

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**LANDIS & DAY, PLC'S BRIEF IN SUPPORT OF ITS MOTION TO WITHDRAW AS
COUNSEL FOR PLAINTIFFS ADAM PACHANA AND LIDIA PACHANA**

For its Brief in Support of its Motion to Withdraw as Counsel for Plaintiffs in this matter, Landis & Day, PLC hereby relies on its Motion and E.D. Mich. L.R. 83.30 and MRPC 1.16.

WHEREFORE, Landis & Day, PLC respectfully requests that this Honorable Court grant this Motion, permitting its withdrawal as counsel for Plaintiffs Edward Brown and Nancy Brown.

Respectfully Submitted,

LANDIS & DAY, PLC

/s/ Kassem M. Dakhallallah
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Dated: May 14, 2009

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

jhickey@dykema.com;
jchang@dykema.com;
jdoerr@dykema.com;
mblalock@dykema.com; and
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Respectfully Submitted,

LANDIS & DAY, PLC

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